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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

PERFECT 10, INC., a California
corporation,

Plaintiff,

v.

HOTFILE CORP., a Panamanian
corporation; HOTFILE, LLC, a
Bulgarian limited liability company;
ANTON TITOV, an individual;
LEMURIA COMMUNICATIONS,
INC., a Florida corporation; and
DOES 1 through 100, inclusive,

Defendants.

CASE NO. 10 CV 2031 MMA (POR)

**PLAINTIFF PERFECT 10, INC.'S
EX PARTE MOTION FOR ORDER
DIRECTING CLERK TO MAIL
SUMMONS AND COMPLAINT TO
HOTFILE CORP. PURSUANT TO
F.R.C.P. 4(f)(2)(C)(ii)**

TO THE COURT AND ALL PARTIES AND THEIR ATTORNEYS OF
RECORD:

NOTICE IS HEREBY GIVEN, that Plaintiff, Perfect 10, Inc. ("Perfect 10") will move *ex parte* and hereby does move the court, *ex parte*, for an order directing the Clerk of the Court to mail the summons on the First Amended Complaint and the First Amended Complaint to Hotfile Corp., a Panamanian

1 corporation, pursuant to Fed. R. Civ. P. 4(f)(2)(C)(ii).

2 The basis for this motion is that the Rule 4(f)(2)(c)(ii) provides that
3 service upon a foreign defendant may be effected, unless prohibited by the
4 foreign country's law, by "using any form of mail that the clerk addresses and
5 sends to the individual and that requires a signed receipt." Perfect 10's counsel
6 discussed this matter with the Clerk of the Court and the Clerk requested that
7 Perfect 10 seek an order from the Court directing the Clerk to comply.

8 This motion is based on the Declaration of Eric J. Benink filed herewith
9 and the proposed order lodged herewith.

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11 Dated: November 12, 2010

KRAUSE KALFAYAN BENINK &
SLAVENS, LLP.

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14 By: /s/ Eric J. Benink
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